

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare:

That my residence, post office address and citizenship are as stated below next to my name:

That I verily believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

APPARATUS FOR EXPRESSING MILKthe specification of which
(check one)☐ is attached hereto.☒ was filed on June 12, 2000 as
Application Serial No. 09/591,981
and was amended on _____
(if applicable)

That I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

That I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

That I hereby claim foreign priority benefits under Title 35, United States Code, §119 and §172 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate on this invention having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)**Priority Claimed**

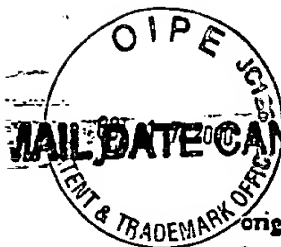
(Number)	(Country)	(Day/Month/Year)	<input type="checkbox"/> <input type="checkbox"/> Yes No
(Number)	(Country)	(Day/Month/Year)	<input type="checkbox"/> <input type="checkbox"/> Yes No
(Number)	(Country)	(Day/Month/Year)	<input type="checkbox"/> <input type="checkbox"/> Yes No

That I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

United States Application(s)

<u>60/140,902</u> (Appl. Ser.No.)	<u>June 23, 1999</u> (Filing Date)	<u>Pending (provisional)</u> (Status) (patented, pending, abandoned)
_____ (Appl. Ser.No.)	_____ (Filing Date)	_____ (Status) (patented, pending, abandoned)

That all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



I hereby appoint the following attorneys, with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and request that all correspondence and telephone calls in respect to this application be directed to Patrick G. Burns, Esq., GREER, BURNS & CRAIN, LTD., Suite 8660 - Sears Tower, 233 South Wacker Drive, Chicago, Illinois 60606, Telephone No. (312) 993-0080:

Attorney	Registration No.
Roger D. Greer	26,174
Patrick G. Burns	29,367
Lawrence J. Crain	31,497
Steven P. Fallon	35,132
Paul G. Juetmer	30,270
Thomas R. Juetmer	16,158
James K. Folker	37,538
Jonathan D. Feuchtwang	41,017
B. Joe Kim	41,895
Carole A. Mickelson (Agent)	30,778

Full name of sole or one
joint inventor:

Bruce McKendry

Inventor's signature:

[Signature]

Date:

10-6-2000

Residence and Post Office
Address:

c/o Whirlstone, Inc.

601 Stone Road

Banica, CA 94510

Citizenship:

United States

Full name of additional
joint inventor, if any:

Jim Mielke

Inventor's signature:

[Signature]

Date:

Residence and Post Office
Address:

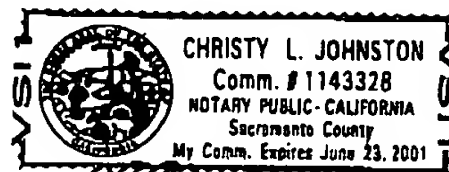
c/o Mielke Product Design

1189 Park Avenue

San Jose, CA 95126

Citizenship:

United States



Full name of additional
joint inventor, if any:

Inventor's signature:

Date:

Residence and Post Office
Address:

Citizenship:

Brian Benson

c/o Bente Medical

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Woodland, CA 95776

United States

Full name of additional
joint inventor, if any:

Inventor's signature:

Date:

Residence and Post Office
Address:

Citizenship:

Bruce Fields

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1380 East Beamer Street

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United States

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10/03/00 10:00 FAX 707
OCT-03-2000 10:15

4194

Bruce McKendry
GREER, BURNS & CRAIG, LTD

312 993 0633

P. 04/07

0104

I hereby appoint the following attorneys, with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and request that all correspondence and telephone calls in respect to this application be directed to Patrick G. Burns, Esq., GREER, BURNS & CRAIG, LTD., Suite 8660 - Sears Tower, 233 South Wacker Drive, Chicago, Illinois 60604, Telephone No. (312) 993-0080:

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Jonathan D. Feuchtwang	41,017
B. Joe Kim	41,885
Carole A. Mickelson (Agent)	30,778

Full name of sole or one
joint inventor:

Bruce McKendry

Inventor's signature:

Date:

Residence and Post Office
Address:

c/o Whirlstone, Inc.

601 Stone Road

Berkeley, CA 94710

Citizenship:

United States

Full name of additional
joint inventor, if any:

Jim Mielke

Inventor's signature:

Date:

Residence and Post Office
Address:

c/o Mielke Product Design

1189 Park Avenue

San Jose, CA 95126

Citizenship:

United States

OCT 17 2000
MAIL DATE CANCELLED
PATENT & TRADEMARK OFFICE



Practitioner's Docket No. 0414.63308

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

☒ In re application of: McKendry et al.
Application No.: 09 / 591,981 Group No. 3762
Filed: June 12, 2000 Examiner:
For: APPARATUS FOR EXPRESSING MILK

☐ Patent No.*: Issued:

*NOTE: Insert name(s) of inventor(s) and title also for patent. Where statement is with respect to a maintenance fee payment, also insert application number and filing date, and add Box M. Fee to address.

STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(c-f) and 1.27(b-d))

With respect to the invention described in

- ☐ the specification filed herewith.
☒ application no. / , filed 6-12-2000
☐ patent no. , issued

I. IDENTIFICATION OF PERSON MAKING STATEMENT AND RIGHTS AS A SMALL ENTITY

I hereby state that I am

(complete either (a), (b), (c) or (d) below)

(a) Independent Inventor

- ☐ a below named independent inventor, and that I qualify as an independent inventor, as defined in 37 CFR 1.9(c), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office.

(b) Noninventor Supporting a Claim by Another

- ☒ making this statement to support a claim by

L. Jason Clute

for a small entity status for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code. I hereby state that I would qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, if I had made the above-identified invention.

(c) Small Business Concern

- ☐ the owner of the small business concern identified below:
- ☐ an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Concern _____

Address of Concern _____

_____ and
that the above identified small business concern qualifies as a small business concern, as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

(d) Non-Profit Organization

- ☐ an official empowered to act on behalf of the nonprofit organization identified below:

Name of Organization _____

Address of Organization _____

TYPE OF ORGANIZATION

- ☐ University or Other Institution of Higher Education
- ☐ Tax Exempt Under Internal Revenue Service Code
(26 USC 501(a) and 501(c) (3))
- ☐ Nonprofit Scientific or Educational Under Statute of State of the United States of America
(Name of State _____)
(Citation of Statute _____)
- ☐ Would Qualify as Tax Exempt Under Internal Revenue Service Code (26 USC 501(a) and 501(c) (3)), if Located in the United States of America
- ☐ Would Qualify as Nonprofit Scientific or Educational Under Statute of State of the United States of America, if Located in the United States of America
(Name of State _____)
(Citation of Statute _____)

and that the nonprofit organization identified above qualifies as a nonprofit organization, as defined in 37 CFR 1.9(e), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code.

(Statement Claiming Small Entity Status (37 CFR 1.9(c-f) and 1.27(b-d))
[7-10]—page 2 of 5)

II. OWNERSHIP OF INVENTION BY DECLARANT

I hereby state that rights under contract or law remain with and/or have been conveyed to the above identified

☒ person
(item (a) or (b) above)

☐ concern
(item (c) above)

☐ organization
(item (d) above)

EXCEPT, that if the rights held are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held (1) by any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, (2) any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or (3) a nonprofit organization under 37 CFR 1.9(e).

☒ no such person, concern, or organization

☐ person, concerns or organizations listed below*

*NOTE: Separate statements are required from each named person, concern or organization having rights to the invention as to their status as small entities. (37 CFR 1.27)

Full Name _____

Address _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

Full Name _____

Address _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

III. ACKNOWLEDGEMENT OF DUTY TO NOTIFY PTO OF STATUS CHANGE

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

IV. DECLARATION

(check the following item, if desired)

NOTE: The following verification statement need not be made in accordance with the rules published on Oct. 10, 1997, 62 Fed. Reg. 52,131, effective Dec. 1, 1997.

NOTE: "The presentation to the Office (whether by signing, filing, submitting, or later advocating) of any paper by a party, whether a practitioner or non-practitioner, constitutes a certification under § 10.18(b) of this chapter. Violations of § 10.18(b)(2) of this chapter by a party, whether a practitioner or non-practitioner, may result in the imposition of sanctions under § 10.18(c) of this chapter. Any practitioner violating § 10.18(b) may also be subject to disciplinary action. See §§ 10.18(d) and 10.23(c)(15)." 37 C.F.R. § 1.4(d)(2).

☒ I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

V. SIGNATURES

(complete only (e) or (f) below)

(e)

NOTE: All inventors must sign the statement.

L. JASON CLUIE

Name of Inventor

Signature of Inventor

Date:

8/10/00

Name of Inventor

Date:

Signature of Inventor

Name of Inventor

Date:

Signature of Inventor

(add lines for any additional inventors who must sign)

(Statement Claiming Small Entity Status (37 CFR 1.9(c-f) and 1.27(b-d))

[7-10]—page 4 of 5

or

Name of Person Signing L. Jason CluteAddress of Person Signing 2375 Round Hill DriveAlamo, California 94507SIGNATURE 

DATE

8/10/00